REMARKS/ARGUMENTS

In the Final Office action of July 2, 2010, claims 1, 2, 4-8, 13-15 and 17-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Patil et al. (U.S. Patent No. 7,313,087) in view of Saleh et al. (U.S. Patent No. 7,477,594) and Mekkittikul et al. (U.S. Patent Application Publication No. 2004/0179471). Dependent claims 3, 12 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Patil in view of Saleh and Mekkittikul and further in view of Swinkels et al. (U.S. Patent No. 6,795,394). Dependent claims 9-10 and 20-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Patil in view of Saleh and Mekkittikul and further in view of Trudel et al. (U.S. Patent No. 7,450,497).

Applicants respectfully traverse the rejections and request their withdrawal in view of the remarks set forth herein. No amendments have been made to the claims.

Response to the Rejection of Independent Claim 1

Claim 1 provides a method for protecting a data service in a Metropolitan Area Transport Network including the following elements:

> (A) establishing a work path for transporting a service between a source node and a work destination node of the service in the Metropolitan Area Transport Network; setting a node other than the work destination node as a protection destination node; establishing a protection path between the source node and the protection destination node for protecting the service in the work path;
>
> (B) the source node detecting a failure state of links of the work path and the protection path and a failure state of a node in the links of the work path and the protection path;
>
> (C) the work destination node and the protection destination node detecting respectively the failure of the links connecting themselves to a data device; if there is the failure, notifying the source node; and
>
> (D) switching the data service in the work path to the protection path by the source node when the failure state of the link of the work path or the failure state of a node in the link is detected or a failure state notice of the work destination node is received.

Applicants have carefully reviewed Patil, Saleh and Mekkittikul references, particularly the portions cited in the Office action, and respectfully submit that the cited references fail to support the rejections set forth in the Office action.

As conceded in the Office action, Patil fails to mention feature (C) of claim 1, and relies on Saleh for the feature. Applicants respectfully submit that Saleh fails to teach or suggest the feature (C) of claim 1.

The Office action asserts that Saleh, at column 7, lines 19-27, teaches "destination nodes report the failure to source node and connecting themselves to secondary path switching devices" (see page 5 of the Office action).

First, Applicants respectfully submit that feature (C) recites "the work destination node and the protection destination node detecting respectively the failure of the links connecting themselves to a data device," i.e., failures detected by the work destination node and the protection destination node are the failures in links connecting the work destination node and the protection destination node to a data device. But what the Office action recites are "destination nodes ... connecting themselves to secondary path switching devices." The word "connecting" in feature (C) of claim 1 is for defining the "links" which are monitored. To the contrary, the word "connecting" recited in the Office action is an action taken by the "destination nodes." Thus, the definition of the word "connecting" in claim 1 is different from the one in Saleh. As a result, feature (C) of claim 1 is not disclosed by Saleh.

Second, Saleh, at column 7, lines 19-27, reads "For 1:N restoration, the tandem and destination nodes do not release any resources assigned to the source node of the VP (step 540). The node then waits for a response from the source node of the VP (step 550). If the failure notification is received by the source node of the failed VP, the source node executes a process to switch the VP to the secondary path (step 560)." It can be seen that the cited portion at best shows a tandem node or a destination node reporting a failure in VP to the source node of the VP, and the source node of the VP performs a switching to the secondary path. But neither the cited portion nor other parts of Saleh mentions "the work destination node and protection destination node detecting respectively the failure of the links connecting the two nodes to a data device" of feature (C) of claim 1.

Third, the "data device" in feature (C) of claim 1 is not a node in the work path or in the protection path. This can be seen in the recitation in claim 1 that "the source node detecting a failure state of links of the work path and the protection path" while "the work destination node and the protection destination node detecting respectively the failure of the links connecting themselves to a data device." Thus, the source node and the destination nodes are for monitoring different parts of the network. Further, the specification (page 2 lines 14-25) recites "the work interface (of Network Element D of the Metropolitan Area Transport Network) and the protection interface (of Network Element C of the Metropolitan Area Transport Network) are connected to the data network, respectively, via identical (data) devices or different (data) devices." To the contrary, Saleh does not dscribe the destination node of a VP is connected to a data device which is not in the work path and the protection path, and the destination node may detect a failure of the link which connects the destination node to the data device.

Therefore, Saleh fails to teach or suggest the feature (C) of claim 1.

Further, though Mekkittikul describes a protection scheme applied to a ring topology, Mekkittikul fails to mention any node in the ring topology is connected to a data device which is not in the work path and the protection path, and the node may detect a failure of the link which connects the node to the data device. Thus, Mekkittikul fails to teach or suggest the feature (C) of claim 1.

Similarly, Swinkels and Trudel also fail to teach or suggest the feature (C) of claim 1.

In view of the foregoing, Applicants respectfully submit that the cited references, taken alone or combined, fail to teach or suggest at least the claimed feature (C) of independent claim 1. Therefore, Applicants respectfully submit that independent claim 1 is patentably distinguishable from the cited references. Thus, reconsideration and withdrawal of the rejections are respectfully requested.

Response to the Rejections of Dependent Claims 2-21

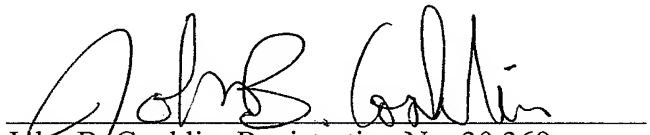
As for the dependent claims, they depend, directly or indirectly, from independent claim 1 and, therefore, include all of the limitations of independent claim 1. Without addressing the assertions set forth in the Office action, which are not conceded, Applicants

respectfully request withdrawal of the rejections of these dependent claims for the same reasons expressed above in connection with independent claim 1.

Conclusion

A prompt indication of allowability of all pending claims 1-21 is earnestly solicited. Should the examiner wish to discuss the foregoing, or any matter of form in an effort to advance this application toward allowance, he is urged to telephone the undersigned at the indicated number.

Respectfully submitted,



John B. Conklin, Registration No. 30,369
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, Illinois 60601-6731
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

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